

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|  |   |                          |
|--|---|--------------------------|
| Dwight Freeman,                        | : |                          |
|  | : |                          |
| Plaintiff                              | : | Civil Action 2:09-cv-565 |
|  | : |                          |
| v.                                     | : | Judge Marbley            |
|  | : |                          |
| Director Terry Collins, <i>et al</i> , | : | Magistrate Judge Abel    |
|  | : |                          |
| Defendants                             | : |                          |

**ORDER**

This matter is before the Court on plaintiff Dwight Freeman's October 12, 2010 objection and motion for reconsideration of the Magistrate Judge's September 29, 2010 Order finding his motion to compel moot (doc. 31).

Defendants refused to provide discovery on plaintiff's use of force claims until the individuals related to his claim are properly served with the complaint. Plaintiff maintains that his complaint has been served on all defendants, but that statement is not accurate. *See* doc. 32. Until plaintiff properly serves the defendants related to his use of force claims, they are not required to participate in discovery. As a result, plaintiff Dwight Freeman's October 12, 2010 objection and motion for reconsideration of the Magistrate Judge's September 29, 2010 Order finding his motion to compel moot (doc. 31) is DENIED.

s/ Algenon L. Marbley  
Algenon L. Marbley  
United States District Judge